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Letter dated 25 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I should like to refer to the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146).

The Security Council is aware of the commitment the South African Government has made towards achieving a peaceful resolution of the conflict in the Democratic Republic of the Congo, as well as in the Great Lakes Region as a whole. My Government believes that the achievement of peace in the Democratic Republic of the Congo is essential for contributing to the renewal of the African continent and the achievement of the goals of the New Partnership for Africa's Development, a programme of the African Union.

Furthermore, South Africa has taken all possible measures to implement Security Council decisions on the Democratic Republic of the Congo. We have taken every step to assist panels that have been created by the Security Council with regard to conflicts in Africa.

However, we would like to inform the Security Council that South Africa is disappointed with the content of the final report presented to the Council by Ambassador Mahmoud Kassem; the methodology the Panel used in gathering its information and the conclusions and recommendations the Panel makes in its report. South Africa would urge that the Security Council instruct the Panel to investigate further and substantiate its allegations and recommendations made in the report. The Panel's report contradicts the aims and intentions of the Security Council.

We are particularly disappointed because the South African Government welcomed the Panel when it visited our country and arranged for the Panel to meet with various senior officials from departments and agencies that were ready to assist the Panel in its work. The Council will notice that the examples cited later in my letter are contrary to the Panel's claim of having "made every effort to fairly and objectively evaluate the information it has gathered". A difficulty that we experienced was the quality and extent of the information that the Panel made available to the South African authorities. The information upon which South African authorities were expected to conduct the necessary follow-up investigations was either incomplete or never given.

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We would like to address some of the specific issues that have been raised by the Panel with regard to South Africa, South African-based companies and individuals.

In paragraph 31, the report states that "Also working with ZDF is a convicted criminal based in South Africa, Nico Shefer, who has arranged for Zimbabwean officers to be trained in diamond valuation in Johannesburg. Mr. Shefer's company, Tandan Holdings, has a 50 per cent stake in Thorntree Industries, a joint venture diamond-trading company with ZDF". On 14 June 2002, the South African Government was requested by the Panel to provide information concerning the trading, whether openly or clandestinely, of Congolese diamonds in South Africa or the transport of Congolese diamonds through South Africa, by the Minerals Business Company (MBC). It was stated by the Panel that the South African-owned or -based company Thorntry (or Thorntree) reportedly has an agreement with MBC to trade its shipments of Congolese diamonds. On 31 July 2002, the South African Government informed the Panel that it had no information to verify the allegation concerning the transportation of diamonds, bought by Thorntree, through South African territory. It should also be noted that the issue of Mr. Shefer arranging for Zimbabwean officers to be trained in diamond valuation in Johannesburg has never been raised by the Panel with the South African Government. The question of Mr. Shefer and Thorntree Industries is similarly raised in paragraph 58 of the report.

In paragraph 52, the report states that "Mr. Al-Shanfari instructed his security chief to smuggle diamonds from the Sengamines concession to Johannesburg, South Africa, and deliver them to Ken Roberts, the chief executive of Serengeti Diamonds". This information has never been shared with the South African Government nor was this ever the subject of an enquiry addressed to the South African Government by the Panel.

In paragraph 139, the report identifies South Africa as one of 11 African States through whose territory goods originating in the Democratic Republic of the Congo are likely to pass. The Panel further states that it submitted questions to all of these countries and held substantive discussions with government representatives from five countries. The Panel enquired about relevant legislation, investigations into the flow of the commodities, measures taken to curb those flows, other possible action to be taken and those Governments' needs for assistance. According to the report, virtually none of the countries that responded to the Panel's questions had conducted any investigations or adopted any specific procedures for the identification or inspection of the transiting of commodities from the Democratic Republic of the Congo. The report goes on to state that South African officials confirmed the seizure of a sizeable clandestine shipment of diamonds from the Democratic Republic of the Congo, but provided no details. Also stated is that none of the authorities in these countries gave any indication that Congolese resources traded through their territories should or could be regarded as conflict goods and that almost none of the countries proposed any meaningful measures to help curb trade in Congolese commodities that are tainted by criminality and militarization.

In September 2001, the Panel approached South Africa regarding procedures followed by South African law enforcement agencies in combating smuggling activities and organized crime, as well as a chart clarifying the division of authorities and responsibilities of the different authorities. On 14 June 2002, the South African Government provided a detailed description of the role and functions

of law enforcement agencies in South Africa. In addition, the Government provided the Panel with details of the relevant legislation utilized in curbing smuggling and organized crime. The Government, however, stated that the South African law enforcement agencies were not aware of any significant or organized groups that were engaged in smuggling or other illegal activities involving diamonds, gold, coltan and other natural resources originating from the Democratic Republic of the Congo. The Panel had requested the South African Government for examples of actual cases of smuggling made by the South African law enforcement agencies originating from the Democratic Republic of the Congo and countries involved in the conflict. The information that was provided by the South African authorities confirmed that a national of the Democratic Republic of the Congo was arrested at Johannesburg International Airport in December 2001 with 13 diamonds in his possession. The Panel was informed that the individual had appeared in court, but that the case had been postponed until June 2002. It was further explained to the Panel that since the court case was still pending (sub judice), no additional information could be provided. This was the only information that was provided to the Panel regarding the seizure of diamonds that had a connection to the Democratic Republic of the Congo. In the information provided to the Panel it was not possible to indicate the origin of the diamonds.

In annex III to the report, the Panel lists those business enterprises that it considers to be in violation of OECD Guidelines for Multinational Enterprises. Twelve South African companies are listed under annex III. Although no substantiating evidence for these listings is provided, the report states that "Countries which are signatories to those Guidelines and other countries are morally obliged to ensure that their business enterprises adhere to and act on the Guidelines". With regard to the specific companies mentioned:

- South Africa has never been approached by the Panel regarding a company by the name of African Trading Corporation.

- Anglovaal, Banro Corporation, Carson Products, Mercantille CC, Saracen, Swanepoel, Track Star Trading 151 (Pty) Ltd. Zincor, Iscor and Orion Mining Inc. have never been mentioned in any of the Panel's previous reports, nor has any information related to their business activities or conduct ever been shared with the South African Government, nor was any of these companies ever the subject of an enquiry addressed to the South African Government by the Panel.

On 14 June 2002, the South African Government was requested by the Panel to provide a list of all South African, and South African registered companies operating in or with the Democratic Republic of the Congo. During the meeting with the Panel, the South African authorities specifically raised their serious concerns with the Panel about its queries regarding South African companies operating in the Democratic Republic of the Congo, without any indication as to their participation in the illegal exploitation of the natural resources of the Democratic Republic of the Congo. South Africa underlined the fact that unsubstantiated queries by the Panel about the activities of companies operating legally and above board in the Democratic Republic of the Congo could be interpreted as casting unwarranted aspersions on their activities.

In this context also, I should also like to note the fact that South Africa is not a signatory to the OECD Guidelines. Although we support its objectives, we don't understand how the Panel can use this mechanism as a means of accountability.

The report's statements about South Africa, South African companies and South African individuals consequently do not appear to be substantiated by hard evidence or information. Nor does the Panel draw any distinction between legal and illegal activities of companies in its report. In their interaction with the Panel, the South African authorities underlined the difficulties that are experienced when dealing with the vagueness of certain queries received. It was pointed out that the provision of more detailed and accurate information would assist the South African authorities to address the issues raised.

I understand that the views conveyed in this letter are critical of the final report and that they bring into question the approach and methodology that has been adopted in the report's compilation. It is our hope that the Council will take these concerns into account in its consideration of this report and of any new mandate that may be given to the Panel. We suggest that the Council should provide clear and specific guidelines on the functioning, approach and operating standards of any future mechanism it may decide to establish with regard to the Democratic Republic of the Congo.

The Council will understand that South Africa regards this in a serious light, not only because of its imputations, but also because of the role that South Africa continues to play, both in its national capacity and as the Chair of the African Union, in achieving lasting peace, security, stability and prosperity for the Democratic Republic of the Congo and its people.

It would be appreciated if the letter could be circulated as a document of the Security Council.

(*Signed*) Dumisani S. **Kumalo**
Ambassador and Permanent Representative

United Nations S/2002/1200

Security Council

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Letter dated 23 October 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the ongoing fighting in the eastern and north-eastern parts of the Democratic Republic of the Congo, issued on 22 October 2002 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Permanent Representative of Denmark
to the United Nations

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Annex to the letter dated 23 October 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the ongoing fighting in the eastern and north-eastern parts of the Democratic Republic of the Congo issued on 22 October 2002 by the Presidency of the European Union on behalf of the European Union

The European Union expresses its serious concern about the recent violent clashes in the eastern and north-eastern parts of the Democratic Republic of the Congo and about the political implications of the renewed fighting as well as the humanitarian consequences for the Congolese population.

The European Union is concerned that the renewed tensions could lead to an unravelling of the impressive progress which has recently been made on the basis of the Pretoria and Luanda agreements.

The European Union calls on all armed groups and militias operating in the Democratic Republic of the Congo to refrain from military activities and to work for a political settlement of the conflict in the framework of the inter-Congolese dialogue, now that the foreign troops are completing their withdrawal from the territory of the Democratic Republic of the Congo. The European Union encourages the parties to the Pretoria and Luanda agreements to work together in a constructive manner to build confidence and restore stability in the areas where fighting has erupted.

While welcoming the statement of the Government of the Democratic Republic of the Congo asking armed groups to cease hostilities in the eastern part of the Democratic Republic of the Congo, the European Union also calls on all the Governments, military forces and any other organization or individual to cease all support to any of the groups involved in the fighting in the east of the Democratic Republic of the Congo and Burundi, and to use their influence on these groups to persuade them to cease immediately any military activity.

The European Union is seriously concerned by the rise in human rights violations in the Ituri region and urges the parties to the conflict to respect the human rights of the population.

The European Union calls on the Security Council urgently to consider steps to defuse the tension in the eastern and north-eastern parts of the Democratic Republic of the Congo, and in particular to review the mandate of MONUC and consider increasing its monitoring presence in the eastern part of the Democratic Republic of the Congo. The European Union calls on the Government of the Democratic Republic of the Congo to cooperate fully, with MONUC and all other parties concerned, with regard to disarmament, demobilization, repatriation, resettlement and reintegration. In particular, improved cooperation on that process in Kamina (access by MONUC to ex-combatants, removal of those FDLR members obstructing the process) is urgently needed.

The European Union appeals to all stakeholders in the inter-Congolese dialogue to step up the ongoing efforts to find a global, inclusive agreement with a view to establishing a transitional government.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the EFTA countries members of the European Economic Area align themselves with this statement.

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Report of the Secretary-General on the situation in Somalia

I. Introduction

1. In the statement by its President of 31 October 2001 (S/PRST/2001/30), the Security Council requested me to submit reports, at least every four months, on the situation in Somalia and efforts to promote the peace process, including updates on the scope of and contingency planning for the launching of a peace-building mission for Somalia. Furthermore, in its resolution 1425 (2002) of 22 July 2002, the Security Council requested me to include in my next report updates on the activities undertaken to coordinate ongoing peace-building initiatives and to provide for their incremental expansion, and on the preparatory activities undertaken on the ground for a comprehensive peace-building mission once security conditions permit; the technical assistance and cooperation provided to enhance the administrative and judicial capacities throughout Somalia to contribute to the monitoring of and give full effect to the arms embargo, in accordance with the statement by its President of 28 March 2002 and resolution 1407 (2002) of 3 May 2002; and the reporting by States to the Committee established pursuant to resolution 751 (1992) on measures they have taken to ensure the full and effective implementation of the arms embargo, in accordance with resolution 1407 (2002).

2. The present report covers the period since my last report, of 27 June 2002 (S/2002/709). In addition to providing an update on the general political and security situation in Somalia, it highlights the efforts of the Intergovernmental Authority on Development (IGAD) in support of national reconciliation in Somalia, including preparations for and the holding of a Somali national reconciliation conference at Eldoret, Kenya. The report provides an update on the humanitarian and developmental activities of United Nations programmes and agencies, including measures taken in response to resolution 1425 (2002). Furthermore, the report provides information on the status of the Trust Fund for Peace-Building in Somalia and on the activities of the Somalia Contact Group.

II. Political developments

A. Internal political situation

3. During the period under review, although the IGAD initiative spearheaded by Kenya made commendable progress (see paras. 25-33), Somalis undertook no

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significant reconciliation efforts at the local and regional levels. Instead, the internal political situation was marked by the reiteration of long-held positions and an increase in factional as well as inter- and intra-clan fighting.

4. At a press conference in Mogadishu on 29 June, the Prime Minister of the Transitional National Government, Hassan Abshir Farah, said that the Government wanted the Security Council to send troops to Somalia to assist with disarmament and help to establish a stable government. He said that it would be impossible for Somalia to have a strong central government unless all factions were disarmed. He also requested that the League of Arab States (LAS), the United States of America and the European Union be included in mediation efforts in Somalia. Some Somali leaders, however, particularly those belonging to or allied to the Somali Restoration and Reconciliation Council, reacted against the request of the Transitional National Government, claiming that it was politically motivated. They also stated that the request lacked validity, since that Government did not represent the people of Somalia, and stressed that only genuine and voluntary disarmament would be effective in Somalia.

5. The Transitional National Government has stated that it has high expectations of the Eldoret Conference, provided it is based on the positions taken by the Security Council and other multilateral organizations that called for the completion of the Arta process and respect for the territorial integrity of Somalia. With regard to participation in the Conference, the Transitional National Government was of the view that the participants should include representatives from those factions that did not attend the Arta Conference, as well as representatives of "Somaliland", "Puntland", the Bay and Bakool regions, the signatories of the peace agreement reached at Nakuru, Kenya, in December 2001 (see S/2002/189, paras. 14-19), and a limited number of traditional elders, women, youth and Somalis in the diaspora.

6. In addition, the Transitional National Government placed particular emphasis on the role of the international community, stating that the United Nations, the European Union, the African Union, the League of Arab States, the Organization of the Islamic Conference and the five permanent members of the Security Council should participate in and be co-signatories to any agreement reached at the Eldoret Conference. In its view, the international community should be responsible for the enforcement of the agreements reached at the conference and for providing financial and material assistance for disarmament and rehabilitation efforts in Somalia.

7. On 3 September, intermittent intra-Abgal fighting resumed in north Mogadishu, resulting in the death of about 20 people and the wounding of 50 others. The dispute between the two sub-clans was described in my previous report (S/2002/709, paras. 11 and 12).

8. In Gedo region, following fierce fighting in May among Marehan sub-clans (S/2002/709, para. 13), peace talks started at Dollo, Somalia, in July. Reports indicate that a degree of consensus had been reached by the end of September among the leaders of the Somali National Front, who are currently travelling throughout the region to try to settle local disputes and establish an administration. However, a separate meeting was called at Baardheere in August by a former foreign minister, Abdirahman Jama Barre, at which he was named the political leader of the Marehan. The leadership of the Somali National Front is reported to be disputing his designation as leader.

9. In recent months, tensions increased as a contest developed over the leadership of the Rahanwein Resistance Army in the wake of the declaration in April 2002 of a "South-Western Regional State of Somalia" (S/2002/709, para. 5). On 1 July, fighting broke out in Baidoa between Colonel Hassan Mohamed Nur "Shatigudud" and his two deputies. The fighting reportedly started over a dispute about the taxation of trucks passing through the town. Several people, including civilians, were killed in the crossfire. Although the elders succeeded in negotiating a temporary ceasefire that held from 5 July, intermittent fighting resumed on 27 July when the deputies were forced to retreat from Baidoa. United Nations international and national staff members that were deemed at risk were evacuated from Baidoa on 30 July.

10. Attempts by local elders — and later by Ethiopian authorities at Dollow, Ethiopia, to mediate these conflicts early in September were not successful. The two sides continued to rearm in preparation for further hostilities as Colonel Shatigudud's opponents sought alliances with the Transitional National Government and the Juba Valley Alliance. Fighting resumed on 3 October. Colonel Shatigudud retreated from Baidoa and the town was occupied by militias loyal to his two former deputies.

11. In "Puntland", fighting broke out in the first week of August between Colonel Abdullahi Yusuf's militia and those opposed to his administration. Initially, his forces marched out of Boosaaso towards Gardo, Ghayaseme and Ali Suleiman, and there were reports of heavy casualties on both sides. On 12 August, Colonel Yusuf met little resistance when he returned to Gardo and gained control of the town.

12. In "Somaliland," voter registration and municipal elections to be held on 27 October have been postponed to mid-December, according to the electoral commission. The administration recently appointed its first woman cabinet minister, who became Minister of Family and Social Affairs Development.

B. Security

13. The security situation in Mogadishu continued to deteriorate and several United Nations national staff were kidnapped. On 5 August, a staff member of the Food Security Assessment Unit of the Food and Agriculture Organization of the United Nations (FAO) was abducted on his way to work and was released on 10 August. Two days later, a UNICEF employee was kidnapped in Mogadishu but was released the same day. On 27 August, a FAO employee was abducted by armed men and held until 4 September. An employee of the World Health Organization (WHO) and UNICEF was abducted on 8 September and released the same day.

14. On 6 August, two national officers, from the Food Security Assessment Unit and Save the Children (UK), respectively, were reportedly seized by Ethiopian forces in the village of Deefow, Hiran region, 10 km from the border with Ethiopia. They were allegedly held in Ethiopia until 9 August, before being returned to Somalia and released unharmed. A note dated 19 August addressed to the Ethiopian authorities by the Somalia Aid Coordination Body, seeking a meeting about the incident was submitted to the Ethiopian Embassy in Nairobi. On 11 October, however, the Ethiopian authorities in Addis Ababa informed the United Nations Political Office for Somalia that the alleged abductions had nothing to do with Ethiopian forces.

15. On 2 September, a leased United Nations aircraft carrying the United Nations Resident and Humanitarian Coordinator and other United Nations employees was shot at as it took off from Garbaharey airstrip in southern Gedo. The aircraft was not hit. The attackers were believed to have been the guards of locally contracted vehicles who were involved in a dispute over payment with local truck owners. Parts of southern Gedo region remain closed to all United Nations air and international staff operations as a result of the incident.

16. Incidents of piracy have continued off the coast of Somalia. Late in July, an oil tanker registered in the Democratic People's Republic of Korea was hijacked with its crew off the north-east coast of "Puntland" and is still being held.

C. The humanitarian situation

17. Increasing instability throughout Somalia continued to impede humanitarian access and pose challenges to the delivery of assistance during the reporting period. However, direct United Nations, European Union and non-governmental organization engagement with local authorities led to the reopening of some parts of Gedo region, albeit briefly, and "Puntland" to international aid workers. In many parts of the country, the humanitarian situation remains dire. On a positive note, there were no reports of major outbreaks of disease during the period under review.

18. Preliminary nationwide figures from the *gu* harvest assessment, recently conducted by the Food Security Assessment Unit, suggest that overall sorghum and maize production is 35 to 40 per cent higher than the "normal" post-war reference year of 1995. Particularly good production has been reported in the southern Bay, and the Lower and Middle Shabelle regions. Poor harvests, however, were reported in the other high-potential sorghum producing regions of Hiran, Bakool and Gedo, in addition to pockets in north-western Somalia.

19. Despite the overall good *gu* crop performance, all groups, in particular the pastoral groups that form the majority of Somalia's population, remain highly dependent on the next *deyr* short rains. Normal precipitation will allow some recovery following several difficult seasons for livestock owners, but a poor *deyr* season could herald a sudden downturn in food security, as pasture and water sources are already stretched to their limit in many agro-pastoral and pastoral areas, in particular in the Sool Plateau. In addition, the food situation in Ethiopia must be monitored as an increase in demand there could push up prices within Somalia. Other factors, especially insecurity that can reduce access to markets, will also continue to be monitored.

20. Malnutrition in children under 5 years of age continues to be a chronic problem in southern and central Somalia, most notably among internally displaced persons and other disadvantaged groups. In the Hiran region, about 21 per cent of children under the age of 5 in the Belet Weyen district are malnourished. About 2.7 per cent of those are severely malnourished, according to a recent multi-agency nutritional survey. Here too, the situation is not likely to improve until the *deyr* season, and then only if the rains are robust. To that end, United Nations agencies and non-governmental organizations are coordinating a response that will involve the provision of supplementary foods and a basic health package for targeted beneficiaries.

21. Internally displaced persons in Mogadishu are also suffering from alarming levels of malnutrition. About 39 per cent of the children under 5 are moderately malnourished. This includes about 7 per cent who are severely malnourished, according to a screening of 487 children in five camps in June. The causes are multiple, ranging from limited access to income to their isolation from clan support systems. As a result of the latter, they also lack protection and are thus subject to human rights violations. While these and other vulnerable groups in Mogadishu are in need of urgent attention, insecurity and the attitudes of local leaders continue to make it extremely difficult for the international community to address their needs. Nonetheless, as a result of the joint efforts of UNICEF and WHO, in concert with non-governmental and community-based organizations, about 40,000 children in five districts were vaccinated during the reporting period. Given the fluid, and varied, political and security situations in Somalia, expanded programmes of immunization and national immunization days are under constant review to develop strategies that would best meet the prevailing conditions and move beyond on-and-off campaign approaches to more comprehensive strategies.

22. Meanwhile, humanitarian access improved — albeit briefly — in the northern Gedo region, following negotiations with the two competing factions of the Somali National Front led by the Coordination Unit of the Office for the Coordination of Humanitarian Affairs and CARE, which resulted in a ceasefire between the two factions; the lifting of mines along the key access routes connecting Belet Hawa, Dollo and Luuq; and the start of a process to integrate the two militias. As a result, CARE was able to distribute food assistance to all four districts of northern Gedo for the first time since early April 2002. The World Food Programme (WFP) also distributed two-month food rations to more than 10,000 families in the southern Gedo districts of Garbaharey and Burdhubo.

23. It was during the Garbaharey distribution, however, that disgruntled gunmen shot at the United Nations plane carrying the Resident and Humanitarian Coordinator and other United Nations staff on 2 September. As a result, access for international United Nations staff has been suspended. WFP national staff and Norwegian Church Aid proceeded the next day with food distribution in Burdhubo district without further incident, however. UNICEF and its non-governmental organization partners also played a key role in responding to the needs in Gedo through the provision of supplementary and therapeutic foods and shelter materials. Continuing insecurity and lack of access could lead to a further deterioration of the situation, as many poor households in northern Gedo have sold their livestock to buy food. Meanwhile, the number of malnourished children at feeding programmes in urban areas remains high and a joint security and humanitarian access assessment will soon be carried out by the Coordination Unit and the Office of the United Nations Security Coordinator.

24. Access negotiations with "Puntland" authorities also continued during the reporting period. A short-term access agreement allowing the return of international staff following their evacuation in April was extended. A joint technical team (United Nations, European Commission and non-governmental organization) expects soon to conclude a longer-term memorandum of cooperation, based on the Somalia Aid Coordination Body's *Guiding Principles of Operation*, that will establish the ground rules for future interventions by the international aid community.

III. Regional peace initiative: Intergovernmental Authority on Development

25. After visits to several locations in Somalia and deliberations in Nairobi, the IGAD Technical Committee that was charged with the preparations for the Eldoret Conference, under the chairmanship of President Daniel arap Moi's Special Envoy for Somalia, submitted its report to the IGAD Ministerial Committee on Somalia in Nairobi on 6 September. The Ministers decided that the Somali National Reconciliation Conference would open at Eldoret on 15 October 2002. They agreed on a three-phased approach to the national reconciliation process. The first phase would involve some 300 participants in the Eldoret Conference, who would agree to be bound by the agreements reached, as well as 75 selected individuals who would serve on committees to deliberate on agreed-upon reconciliation issues. In addition, participants are expected to sign a cessation-of-hostilities agreement, and guarantee safe access for the delivery of humanitarian assistance. The second phase would entail committee work on issues such as the drafting of a constitution and agreements on the Somali economy. The third phase of negotiations would include as many participants as decided upon in the earlier phases and would culminate in an agreement on the recommendations of the reconciliation committees and the inauguration of an all-inclusive government.

26. The Ministers charged the Technical Committee with the responsibility of finalizing the criteria of participation at the Eldoret Conference by making allocations of representation to major political groupings, taking into account sensitivity to clan representation in Somalia. Civil society, especially elders, women and minorities, were also to be accorded representation in the reconciliation process. On 10 September, the Special Envoy said that the Ministers were of the opinion that "Somaliland was part and parcel of Somalia" and had requested President Moi to use his good offices to ensure the participation of "Somaliland". The authorities in "Somaliland" have repeatedly stated, however, that they will not participate in the national reconciliation process.

27. On 28 August, about 60 Somali intellectuals and businessmen met in Nairobi to discuss their possible contribution to the national reconciliation process. One of their recommendations was the establishment of a Somali committee that could play an advisory role vis-à-vis the Technical Committee. They were of the view that enough time should be allowed to ensure proper preparation for the Eldoret Conference, and that special consideration should be given to the involvement of civil society. In addition, the group stressed that the Eldoret Conference should be the first of many to allow for a phased approach to reconciliation.

28. The Special Envoy of the League of Arab States for Somalia held consultations with Somali leaders in Mogadishu from 25 to 29 August and participated in meetings of the Somalia Contact Group in Nairobi. He and the Secretary-General of LAS have reiterated the League's support for the Somali national reconciliation process. LAS has also provided financial support for the Eldoret Conference.

29. The Minister for Foreign Affairs of Egypt, Ahmed Maher El Sayed, met a delegation of the Technical Committee in Cairo on 28 September and issued a statement endorsing the Somali national reconciliation process. He affirmed Egypt's support for the process and expressed the hope that it would build on the Arta process and ensure the unity and stability of Somalia.

30. The European Union and the European Commission have also actively supported the Somali national reconciliation process both diplomatically and materially. In addition, many European countries and the United States have either provided or pledged financial support for the IGAD peace process. At the Joint IGAD Partners Forum meeting in Addis Ababa on 10 October, however, the Executive Secretary of IGAD reported a shortfall of about half a million dollars in the estimated expenses for the Eldoret Conference.

31. President Moi inaugurated the IGAD-sponsored Somali National Reconciliation Conference at Eldoret, Kenya, on 15 October. The opening ceremony of the Conference was attended by the heads of State and Government of Ethiopia, the Sudan and Uganda, the Executive Secretary of IGAD, the Interim Chairman of the African Union and the LAS Special Envoy for Somalia. Djibouti and Eritrea were represented by their Minister for Foreign Affairs and Minister of Agriculture, respectively. I was represented by my Special Adviser, Mohamed Sahnoun, and my Representative for Somalia, Winston Tubman.

32. The Somali delegations attending the Conference include the Transitional National Government, led by the Prime Minister; Colonel Abdullahi Yusuf Ahmed from Puntland; Colonel Abdrizak Issaq Bihi from the Somali National Front faction of the Somali Restoration and Reconciliation Council; and Mohamed Omar Habeeb "Mohamed Deere" from Jowhar; Musse Sudi "Yallahow", Hussein Mohamed Farah Aideed and General Aden Abdullahi Nur "Gabyow" from the Somali Restoration and Reconciliation Council; Ali Mahdi, Hussein Bod and Abdullahi Ahmed Addou; and Colonel Mohamed Nur "Shatigudud" of the Rahanwein Resistance Army. Several other Somali leaders are expected to join the proceedings in the coming days.

33. In their statements to the Conference, the heads of State underlined the need to make the IGAD peace process the final peace process for Somalia. President Moi reminded Somali leaders that "even patience, time and resources have their limits". The Prime Minister of Ethiopia, Meles Zenawi, told the Conference that the process should be seen as "the last hope for peace in Somalia". The heads of State stressed the need for the process to be Somali-owned, but that Somali leaders needed to make further efforts towards the restoration of peace and reconciliation in the country. The representative of the Presidency of the European Union suggested that smart sanctions should be imposed on any party or individual that violated the agreements reached during the Conference.

IV. United Nations activities

34. My Representative for Somalia has continued his contacts with Somali leaders both in Nairobi and in Somalia. He met the Prime Minister of the Transitional National Government and opposition leaders in Mogadishu from 16 to 18 July. He returned to Mogadishu on 2 October and conferred with President Abdikassim Salad Hassan and several opposition leaders, urging them to bring their differences to the table at the Conference.

35. Three meetings of the Somalia Contact Group were held during the current reporting period. The first was in New York on 5 July, under the chairmanship of the Under-Secretary-General for Political Affairs. The Nairobi branch of the Group met on 25 July and 5 October under the chairmanship of my Representative for Somalia.

The meetings provided an opportunity for an exchange of information and for delegations to obtain clarifications on issues related to the IGAD peace process.

36. A note verbale announcing the establishment of the Trust Fund was sent to Permanent Missions on 31 July 2002. In a letter dated 26 September 2002, the Permanent Representative of Italy informed the President of the Security Council that the Government of Italy had decided to contribute €500,000 to the Trust Fund. I also understand that Norway plans to contribute NKr 6 million to the Trust Fund. No contributions have been received so far.

37. It will be recalled that the team of experts I appointed pursuant to Security Council resolution 1407 (2002) submitted its report to the Committee established pursuant to resolution 751 (1992), and to the Security Council on 3 July 2002 (S/2002/722). As requested by the Council in its resolution 1425 (2002), I appointed a Panel of Experts consisting of three members, to be based in Nairobi for a period of six months, to generate independent information on violations of the arms embargo and as a step towards giving effect to and strengthening the embargo (see S/2002/951). The Panel began its work on 4 September, travelling to relevant capitals in Europe to confer with government officials, prior to its arrival in Nairobi on 26 September to begin work in the field. The Panel is expected to investigate violations of the arms embargo by land, air and sea; carry out field-based research, where possible, in Somalia, and neighbouring and other States as appropriate; assess the capacity of the States in the region to implement fully the arms embargo; and make recommendations on possible practical steps and measures for giving effect to and strengthening the arms embargo. The Panel is scheduled to provide an oral briefing to the Security Council, through the Committee, early in November 2002.

38. I understand that 37 States have sent replies to the Committee established pursuant to resolution 751 (1992) on the measures they have in place to ensure the full and effective implementation of the arms embargo, pursuant to resolution 1407 (2002).

Operational activities in support of peace

Coordination of development activities

39. During the period under review, despite instability in north-eastern, central and southern Somalia which caused considerable disruption to programmes supporting peace-building activities, progress continued to be made in key areas, thanks to the dedication and commitment of national staff working under difficult conditions. The United Nations Country Team continued its efforts to strengthen coordination between United Nations agencies and programmes operating in Somalia.

40. In September, the Country Team finalized a common strategic framework for humanitarian and development activities, the United Nations Joint Action and Recovery Plan for Somalia. The Plan will enhance coordination in humanitarian, recovery and development programming, and in resource mobilization and programme execution. It provides a framework for the expansion of community-based peace-building initiatives that can complement United Nations support for IGAD efforts to promote national reconciliation in Somalia.

41. The Country Team also finalized the Common Humanitarian Action Plan, which will form the basis of the Consolidated Inter-Agency Appeal for 2003. In

keeping with the medium-term objectives of the Joint Action and Recovery Plan, the Appeal will continue to address basic humanitarian needs while at the same time supporting good governance, peace-building and economic recovery. In order to strengthen the coordination of ongoing peace-building initiatives, the Country Team is encouraging greater participation of non-governmental organizations in the development of the Consolidated Appeal and has introduced the notion of using a livelihoods framework in programme planning, in order to set objectives and modalities for supporting dedicated national actors in the implementation of both short- and long-term interventions designed to address the needs of the most acutely vulnerable communities throughout the country and, in doing so, to challenge conventional programme planning methods by encouraging organizations to assess needs in a more holistic manner.

42. Keeping in mind the importance of the restoration of the financial and economic vitality of the country in support of the return of peace, United Nations efforts have focused on two of the country's largest sources of income, the livestock trade and remittances from Somalis in the diaspora.

43. Export earnings continued to be negatively affected during the reporting period because of the livestock ban imposed in September 2000 by States of the Arabian Peninsula because of inadequate quality control and certification procedures in Somalia. Importers of chilled meat also communicated their intention of joining the ban if certification procedures were not improved in a timely manner. The United Nations Development Programme (UNDP) and FAO initiated a programme to support the Somalia livestock industry and to restore the confidence of importers by strengthening the country's institutional capacity to meet international certification procedures, as well as to increase its diagnostic capacity and improve marketing. FAO and UNDP have jointly supported the training of 10 Somali slaughterhouse staff in Zimbabwe, whose meat export industry meets stringent European Union requirements for hygiene and quality.

44. UNDP has recently completed a comprehensive study on the remittance industry in Somalia. The study estimates that remittances to Somalia totalled $800 million to $1 billion in the year 2000, making them the largest source of foreign exchange income for Somalia, and the single most important source of income at the household level. Remittances also provide the basis for Somalia's internal and international trade and for capital investments of small to medium-sized companies. The study recommends ensuring transparency and accountability by money transfer companies; compliance with host country laws, rules and regulations; and the development of mechanisms to identify suspicious transactions and money-laundering schemes. To explore the implementation of these measures, UNDP, together with its partners, will hold three workshops in the United States, the United Arab Emirates and the United Kingdom in the near future. Participants will include representatives of remittance companies, banking institutions, host Governments, Somali administrations and concerned international organizations.

45. WFP and its partners continued to support, through food-for-work programmes, the rehabilitation of roads, schools, wells and water catchments at the community level. The manner in which water projects are designed and supported by the international community can often be instrumental in fostering tolerance within communities. To this end, the United Nations Human Settlements Programme (UN-Habitat) continued to work in close partnership with local authorities in Burao

to increase water production and the sustainability of water systems for the town and returnee communities. By encouraging the participation of local entrepreneurs, alongside municipal authorities and local water agencies that maintain oversight of city water provision, the project aims to encompass relief and sustainable development objectives. Likewise, the Office of the United Nations High Commissioner for Refugees (UNHCR) is providing emergency support to the Hargeisa water supply system to increase water production and keep the system operational. Further funding has been secured for a later phase aimed at its long-term sustainable development. The planning is undertaken in close cooperation with the local water authorities. Simultaneously, UNDP and UNICEF are extending the water supply system to vulnerable populations in new settlements of Hargeisa. Meanwhile UNICEF, among other activities, completed the planning and delivery of supplies for an urban water system in Merka. When complete, the system will provide water to an estimated 35,000 people in this conflict-ridden area. In Borama town, UNICEF is concluding the installation of a major urban water system that will benefit 130,000 people from two communities.

46. The United Nations Country Team continued to develop comprehensive strategies to address three initiatives introduced in my last report (see S/2002/709, para. 53) which aim to support the United Nations overall peace-building effort by providing technical and vocational training skills to Somali youth, ensuring that the four basic services of water, sanitation, health and education are available to vulnerable communities, and giving an opportunity to Somali professionals to exchange experience and knowledge and develop uniform operating standards. Concept papers on each area have been drafted as the basis for further consultations. In the area of skills for Somalis, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNDP have hired a consultant to assist in the identification of technical and vocational centres, which will serve as "centres of excellence". UNHCR, UNDP, UNICEF and WHO are jointly rehabilitating and equipping the Hargeisa Health Training Institute. Once operational, early in 2003, this institute will train much-needed medical personnel and thus contribute considerably to the improvement of health services. When operational, these centres of excellence will provide the skilled labour necessary for poverty reduction and peace-building programmes as well for the future economic and social development of Somalia.

Participation of women

47. Significant progress was made towards ensuring the participation of women in peace-building, despite the many challenges, which include the absence of gender-disaggregated data, the exclusion of women from decision-making processes in Somalia, and the attitudes of some local leaders. Deeply rooted gender discrimination in the traditional sociocultural structures of Somali society, together with frequent misinterpretations of religion remains a considerable barrier to women's empowerment. The United Nations Development Fund for Women (UNIFEM) is supporting the participation of Somali women leaders in IGAD initiatives, where they have played an important role in designing gender-sensitive and inclusive policies, such as calling for the involvement of women in the IGAD early warning and response mechanisms. UNIFEM also supported the IGAD gender component by holding capacity-building seminars for women delegates to the Eldoret Conference. The seminars, which draw on support from women who have

participated in similar peace processes in other African countries, aim to train the women delegates in negotiation skills. UNIFEM supported three strategic planning meetings of Somali women in Hargeisa, Merka and Galkayo, which aimed to prioritize common visions for promoting peace and reconciliation in their respective zones, identify key issues of concern such as women's access to justice, demobilization and reintegration programmes, and develop effective strategies for addressing those issues.

48. UNHCR continued to support the Galkayo Education Centre for Peace and Development in "Puntland", so as to enhance the role of women in peace-building and to strengthen the awareness of and respect for women's rights, gender equality and harmful traditional practices. The project is training 209 female and 65 male community leaders and teachers during 2002. The first round of training has already been put to use in the Centre's educational programmes, which have an outreach of 3,000 girls and women beneficiaries.

49. UNICEF, in cooperation with local institutions, is conducting studies and organizing a workshop on women's rights, with the aim of pointing out the similarities between the key tenets of the Convention on the Elimination of All Forms of Discrimination against Women, the Koran and Hadith, as well as Somali culture and tradition. UNHCR has also strengthened the gender component of its returnee monitoring system, to collect more accurate information on the situation of returnee women; the aim is to assist them better to participate in the management and leadership of their communities. To enhance women's leadership skills, WFP promotes their participation in various project committees and assists them in financial management and project development.

Demobilization/civil protection

50. The Demobilization Task Force of the Somalia Aid Coordination Body, under the UNDP Somalia Civil Protection Programme, which has recently been renamed Rule of Law and Security Programme, continued to review, plan and coordinate international support for demobilization and reintegration work in Somalia, holding regular coordination meetings in both Nairobi and Somalia. It also addresses broader cross-cutting issues such as rule of law initiatives to strengthen the protection of vulnerable groups, in particular women and children, as well as psychosocial counselling and initiatives in the field of small arms and light weapons.

51. The Rule of Law and Security Programme, developed through a process of extensive consultation, aims to reinforce peace and security and enhance economic and social recovery through the establishment of a secure enabling environment. It will promote the following three outcomes: enhancing the rule of law (policing and administration of justice), increased independence of the judiciary, strengthened institutional mechanisms and oversight (which also includes small arms control, human rights and gender issues); sustainable disarmament, demobilization and reintegration of ex-combatants and conversion of military assets to civilian use; and an expanded national capacity for mine action including training.

52. The United Nations Educational, Scientific and Cultural Organization tracked the progress of 450 militia demobilized in the last reporting period and found that more than 63 per cent are now gainfully employed. UNESCO will continue to monitor their progress and, in the light of its findings, may expand the programme to other parts of southern and central Somalia. In Mogadishu, UNICEF continued to

collaborate with a community-based organization in a pilot demobilization project for children who have been involved in hostilities. To date, UNICEF has assisted 120 former child soldiers in developing the necessary emotional and technical skills to become self-reliant outside the confines of the militia. The initiative offers vocational training opportunities and psychosocial counselling to former child soldiers, including girls, as well as necessary life skills, with a view to allowing their reintegration into their communities. Despite the prevalent insecurity in Somalia and limited access to international staff, the initiative and others similar to it are valuable and should be expanded so as to reach more children.

Return of refugees

53. The launch by UNHCR in July of the voluntary repatriation of Somali refugees in Djibouti to north-western Somalia marked the beginning of the end of yet another protracted refugee situation in the Horn of Africa and is a milestone in enabling refugees to exercise their right to return and take part in reconstruction and peace-building in Somalia. During the reporting period, 14,954 additional Somali refugees from Djibouti and Ethiopia were repatriated to north-western Somalia. UNHCR also continued to support the rehabilitation of the Galkayo sports grounds in "Puntland", which when finished, will provide more than 30,000 youths with the opportunity to participate in sports, with the ultimate goal of promoting positive socialization across ethnic and clan boundaries. In addition, several small programmes in income generation, health, water and sanitation as well as education are successfully nearing completion in Mogadishu and "Puntland".

HIV/AIDS

54. UN agencies and their partners continued to support activities aimed at raising awareness of HIV/AIDS in Somalia. UNHCR launched a public awareness campaign based on the links between HIV/AIDS and female genital mutilation while UNIFEM continued activities aimed at raising awareness in "Somaliland" of the increasing risk of exposure of women to HIV/AIDS as well as the gender dimensions of HIV/AIDS prevention and care. As a result, UNIFEM is now helping "Somaliland" authorities to develop a gender-responsive policy on HIV/AIDS. Meanwhile, UNICEF, WHO and the United Nations Population Fund continue within the Somalia Aid Coordination Body to support the development of a national strategy framework for the control of HIV/AIDS, which is expected to be finalized this year.

Human rights

55. On 4 September, the Independent Expert for human rights concluded his second annual visit to Somalia and the region, which lasted 11 days. He travelled to "Somaliland" and "Puntland", but was not able to visit Baidoa and Mogadishu because of the security situation. He concluded that the human rights situation in "Puntland" had improved. In "Somaliland" in particular, he suggested that the situation had also improved since the previous year; there were no serious reports of human rights abuses. His request for the pardon of a newspaper editor, who had been found guilty of false reporting and sentenced to four months in jail, was granted by "President" Dahir Riyale Kahin. He highlighted the need to pay more attention to the conditions of internally displaced persons, however, most of whom were living in sub-human conditions in Somalia.

V. Observations

56. The international community welcomed the opening of the Somali National Reconciliation Conference at Eldoret on 15 October. The Government of Kenya should be commended for undertaking the lead role on behalf of the IGAD countries and for its perseverance in efforts to bring the Somali parties to the negotiating table. Efforts made by all the IGAD countries to bring about a coherent regional approach towards national reconciliation in Somalia are also appreciated. The progress made by the peace process for Somalia since the IGAD Summit in Khartoum in January 2002 (see S/2002/189, paras. 20-25) has indeed been significant and underlines the important role regional organizations can and do play in resolving conflicts.

57. I am encouraged that Somali leaders from several political formations are participating in the Conference. It was noteworthy that they had agreed to discuss without preconditions the way forward in the search for national reconciliation in Somalia and the return of normalcy to the country. All Somali parties and leaders are called upon to cooperate in this regional endeavour aimed at ending a decade of conflict in the country which has caused immense suffering to its people. It is hoped that the Conference will pave the way for discussions on an inclusive political dispensation.

58. The international community is united in its support for the IGAD-led peace process for Somalia. Needless to say, a concerted effort must be made to benefit from the opportunity presented by the progress achieved thus far. The international community at large and the United Nations in particular must continue to work with the IGAD countries and responsible Somali leaders to keep the IGAD peace process on track and help to ensure Somali ownership of the process. For this to happen, the Somali leaders must take up the challenge of rising above their differences, and must put the interests of the people of Somalia first. No amount of goodwill, support and assistance on the part of IGAD or the international community can bring about peace in Somalia. Outsiders can help, but only Somalia's leaders can decide to end the suffering of their people and only they can decide to negotiate an end to the conflict.

59. One critical area of concern is the proliferation of arms in Somalia and the need for disarmament of armed men, many of whom are youths, and to reintegrate them as useful members of their communities. I call on the international community, in particular the IGAD countries, and all Somalis to cooperate with and help the Panel of Experts on the arms embargo, which has begun its work in Nairobi.

60. Aid workers, whether national or international, in Somalia continue to face an unacceptable level of insecurity. All authorities in Somalia must do their utmost to ensure that all humanitarian and development staff are able to perform their tasks without fear of harm or any form of harassment. The spate of kidnappings in Mogadishu, in particular, and the persistent fighting need to be halted to allow aid workers unhindered access to populations in need of assistance.

61. Somalia has experienced an escalation of violence in recent months, particularly in Gedo, Baidoa and Mogadishu, which has resulted in the loss of human lives, further deterioration of the humanitarian situation and a worsening of the fragile economy. Unfortunately, access to communities in need is dependent upon the cooperation and perceived interests of Somali leaders. I urge those leaders

to respect the human rights of all individuals in Somalia and to uphold internationally recognized humanitarian principles, including allowing unhindered access to humanitarian organizations throughout the country to facilitate effective delivery of humanitarian assistance. Concerted international action is needed to put an end to the impunity with which armed groups continue to harass the humanitarian and development agencies in their work and cause further suffering to civilians and communities in need in Somalia.

62. More than 400,000 Somalis continue to live in exile. It is gratifying to note that, with the help of UNHCR and local authorities in stable and peaceful areas, a good number are gradually returning to Somalia voluntarily. The programmes have been particularly successful in the north-west region. There remains a large gap, however, between the requirements and actual services and economic opportunities that are available to returnees and their respective local communities. This is preventing likely returnees from developing their full potential for peace-building and their contribution to economic recovery and development. Authorities in the areas to which most refugees return, "Somaliland" in particular, have expressed concern over the gap between their needs and available assistance. Unless this issue is resolved, the return of exiled populations is likely to continue to constrain the recovery process. I therefore urge Member States to contribute resources to agencies engaged in the reintegration of returning refugees, and to their communities. The Governments of countries of asylum should continue to facilitate the voluntary repatriation of refugees to areas of origin that are stable enough to allow a safe and durable return.

63. Much more needs to be done in Somalia in the humanitarian and development areas as well as in peace-building efforts. The response to the 2002 United Nations Consolidated Appeal and to the Trust Fund for Peace-building in Somalia has been disappointing. A new Consolidated Appeal is being prepared for launch on 19 November 2002, and I appeal to Member States to contribute generously to allow humanitarian and recovery efforts to continue and to be expanded in Somalia.

64. The United Nations and its agencies and programmes are eager to provide increased humanitarian and development assistance if Somali parties and leaders cooperate in ensuring access to those in need and safety to humanitarian workers in the country. The United Nations will do all it can to help the people of Somalia heal the wounds of conflict, including through the deployment of a post-conflict peace-building mission as soon as security conditions permit.

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Letter dated 25 October 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I have the honour to transmit herewith a statement dated 23 October 2002 by the Government of Uganda (see annex) on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146, annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) **Semakula Kiwanuka**
Ambassador Extraordinary and Plenipotentiary/
Permanent Representative of Uganda to the United Nations

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Annex to the letter dated 25 October 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Statement by the Government of Uganda on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

1. The Government of the Republic of Uganda has welcomed the release on 21 October 2002 of the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo and has noted a number of positive aspects.

(a) The report recognizes that Uganda established the Porter Judicial Commission of Inquiry in accordance with the Security Council's recommendation as an internal mechanism to address the allegation of illegal exploitation of the natural resources of the Democratic Republic of the Congo.

(b) The report maintains that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of natural resources of the Democratic Republic of the Congo.

(c) It acknowledges Uganda's position that a moratorium on exports from the Democratic Republic of the Congo would be counterproductive to the people of the Democratic Republic of the Congo.

(d) The final report has improved the scope of investigation to cover all parties involved in the alleged illegal exploitation of natural resources of the Democratic Republic of the Congo, including the transit countries and end-users of such resources.

(e) It recognizes the importance of the implementation of the Lusaka Ceasefire Agreement, including the establishment of an all-inclusive transitional Government capable of administering the territory and protecting the sovereignty of the Democratic Republic of the Congo.

Areas of concern

2. The Government of Uganda, however, wishes to note with concern the following flaws and areas of concern in the final report of the United Nations Panel.

(a) Unlike the addendum report of November 2001 (S/2001/1072), the final report completely ignores Uganda's legitimate security concerns as recognized in the Lusaka Ceasefire Agreement (1999) and the Uganda/Democratic Republic of the Congo bilateral agreement signed on 6 September 20002 in Luanda, Angola.

(b) The allegations that the UPDF presence in the eastern Democratic Republic of the Congo is the cause of instability designed to create conditions for the continued illegal exploitation of resources of the Democratic Republic of the Congo is not consistent with the following facts:

(i) The invitation by the United Nations Secretary-General of May 2001 for UPDF to remain in the Bunia area as a stabilizing force in support of the Lusaka Ceasefire Agreement;

(ii) The spirit and intent of the 6 September 2002 Uganda Democratic Republic of the Congo bilateral agreement on the total withdrawal of UPDF and the establishment of the Ituri Pacification Commission;

(iii) The long history of the Hema-Lendu conflict in Ituri;

(iv) Facts on the ground that clearly demonstrate that the security situations in all the other areas where UPDF has withdrawn, such as Gbadorite, Gemena, Buta and Beni, there is relative peace. Many of these areas have more natural resources and population than Bunia, where there has been persistent Hema-Lendu ethnic conflict over land.

(c) Contrary to the Panel's assertion that it relied purely on documentary and corroborated evidence/information, the United Nations Panel continues to rely on hearsay/uncorroborated information. Indeed, the final report of the Panel contains a number of serious factual errors. For example:

(i) The Protocole d'Accord allegedly signed on 22 February 2002 between RCD/ML leadership and Col. Mayombo on behalf of the Uganda Government, whereby UPDF was promised $25,000 and an exemption for Ugandan companies from import tax, does not exist (para. 122).

(ii) All available evidence to date has proved that Victoria Group and Trinity Investments are not Uganda-registered companies. Evidence to this effect was given to the United Nations Panel (paras. 111 and 112).

(iii) The Panel misrepresents the mandate of the Porter Commission of Inquiry with regard to the scope of investigation of army officers, and its relationship with the Minister for Foreign Affairs and the President. The truth of the matter is that the Porter Commission has the judicial powers of the High Court and is independent of the Executive. Indeed, the Commission has the power to summon documents and audits from everybody, including the President, the Minister of Defence and UPDF (para. 137).

(iv) The report refers in paragraph 116 to "parliamentarian" Sam Ngola. Mr. Ngola, who is a Ugandan businessman, has never been a member of any Uganda parliament.

Concerning allegations against UPDF military officers and other individuals

3. The Government of Uganda has noted with concern the allegations of continued involvement of Ugandan military officers and businessmen in the illegal exploitation of natural resources, diversion of taxes and other revenue generation activities in eastern Democratic Republic of the Congo.

4. The Government of Uganda established the Judicial Commission of Inquiry into the illegal exploitation of natural resources of the Democratic Republic of the Congo in May 2001, under the chairmanship of Justice Porter (United Kingdom). Other members of the Commission are Justice Berko (Ghana) and Mr. John Rwambuya, a retired Ugandan senior United Nations civil servant (official). The

Porter Commission has cooperated with the United Nations Panel on a number of source materials and elements of evidence.

5. It should be noted that the final Porter Commission report will be released soon. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the report. The Government of Uganda will therefore await the release of the Porter Commission report before making any comments on the allegations against specific Ugandan senior military officers and business people.

Conclusion

6. The Government of Uganda is convinced that the only guarantee against illegal exploitation of the natural resources of the Democratic Republic of the Congo is the establishment of a new, stable and democratic dispensation which is able to establish effective State institutions and to ensure orderly and sustainable exploitation of the natural resources for the benefit of all the people of the Democratic Republic of the Congo. Uganda will therefore support the recommendations of the United Nations Panel that will strengthen the implementation of the Lusaka Ceasefire Agreement, the Sun City resolutions and the related Pretoria and Luanda Agreements.

7. The Government of Uganda is preparing a detailed response to the final report of the United Nations Panel, which will be presented to the Security Council next week.

J. F. **Wapakabulo**
Third Deputy Prime Minister/
Minister for Foreign Affairs
Kampala

23 October 2002